

EXHIBIT E

1 Q. All right. So we've been
2 talking about the IRR drug report and the
3 issue with it not tracking by active
4 ingredient.

5 But I want to -- let's back
6 up to the beginning of the discovery of
7 the problem in October of 2010, all
8 right?

9 We've given you Exhibit --
10 MR. GOETZ: Exhibit-125.

11 - - -

12 (Whereupon, CVS-Vernazza
13 Exhibit-125, CVS-MDLT1-000034172;
14 Native, was marked for
15 identification.)

16 - - -

17 MR. GOETZ: And just so the
18 record is clear, for some reason,
19 when it printed it, has a Bates
20 number of 3417, and the actual
21 Bates number is 34172. The 2 got
22 cut off.

23 BY MR. KENNEDY:

24 Q. So this is an e-mail

1 that Mr. Mortelliti -- dated October 6,
2 2010 at 9:30 a.m.

3 Do you see that e-mail?

4 A. You're talking about the
5 second e-mail down in the chain?

6 Q. Yes, sir.

7 He's copying his boss, Frank
8 Devlin, is he not?

9 A. I believe Mr. Mortelliti
10 reported to Mr. Devlin at this time.

11 Q. And the subject is,
12 Controlled drug IRR, important info,
13 importance, high.

14 Do you read that?

15 A. The subject is, Controlled
16 drug IRR important info. The importance
17 level is rated as high.

18 Q. And you understand that the
19 IRR report is what we've been talking
20 about that Mr. Mortelliti believed and
21 certainly stated, in October of 2010, the
22 problem with the report made CVS
23 noncompliant with DEA expectations;
24 that's what we're talking about, right?

1 MR. DELINSKY: Object to
2 form.

3 THE WITNESS: No, I don't
4 believe that's consistent with my
5 testimony.

6 BY MR. KENNEDY:

7 Q. I didn't ask you that.

8 I asked you, do you
9 understand that this e-mail is in
10 relation to the IRR report that Mr.
11 Mortelliti has indicated has a problem
12 which is causing CVS to be noncompliant
13 with DEA expectations? Do you understand
14 this is the same IRR report we're talking
15 about?

16 A. I'm familiar with the term
17 "IRR." I have no reason to believe that
18 the term "IRR" means something different
19 in this e-mail than it meant in prior
20 exhibits that we've looked at.

21 Q. All right.

22 A. I also don't have a basis to
23 understand the statements of Mr.
24 Mortelliti in the prior exhibit that you

1 just referenced.

2 And as I mentioned, that's
3 not the company's position with respect
4 to its compliance with DEA regulations.

5 MR. KENNEDY: And I move to
6 strike.

7 BY MR. KENNEDY:

8 Q. Mr. Mortelliti states in
9 this e-mail, in October of 2010, he
10 states, Gary, all but one item in the
11 network -- and network is the entire
12 country, correct?

13 A. Again, I don't know what Mr.
14 Mortelliti is referring to here. It
15 certainly could be that when he's saying
16 "the network" that he's referring to
17 chain-wide. I just don't know.

18 Q. He states, All but one item
19 in the network was missing three to four
20 items of LAG info on today's report.
21 Something else changed or just about
22 every company we deal with has changed
23 the description on their drugs. Whatever
24 you can do to help expedite this process

1 would be greatly appreciated. I am now
2 reviewing the network controlled drug IRR
3 on common sense as opposed to IRR
4 historical data. I know, that is
5 scary...be nice.

6 Did I read that correctly?

7 A. I believe you read that
8 correctly.

9 Q. And when he is indicating --
10 first of all, when he's saying, help, can
11 you expedite this process, this is
12 October of 2010, and we don't have a fix
13 of this process for more than a year; is
14 that correct, sir?

15 A. I don't know that to be
16 true.

17 Q. And when he states that --
18 Mr. Mortelliti states he is now reviewing
19 the IRR for the entire network based upon
20 common sense as opposed to historical
21 data, and he states that that is scary,
22 do you know whether he meant scary for
23 CVS, or did he mean that that was scary
24 for the general public, the people of the

1 United States who might be receiving and
2 consuming opioids because a suspicious
3 order was sent?

4 MR. DELINSKY: Object to
5 form.

6 THE WITNESS: I do not know
7 what Mr. Mortelliti meant when he
8 wrote that. I have no knowledge
9 on that whatsoever.

10 BY MR. KENNEDY:

11 Q. You don't know whether he
12 meant scary for CVS or scary for the
13 American public?

14 A. I don't know if it's either
15 of those or something else or none of
16 those. I don't know.

17 Q. Or both?

18 A. I have no knowledge, sir.

19 Q. Sir, this IRR report that
20 he's talking about, as we talked about,
21 it's the first step in your suspicious
22 order monitoring policy, correct? It is
23 the first step?

24 MR. DELINSKY: Object to